

AMENDED IN ASSEMBLY MAY 27, 1997

AMENDED IN ASSEMBLY MAY 1, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1245

Introduced by Assembly Members Martinez and Bordonaro
(Coauthor: Senator Rosenthal)

February 28, 1997

An act to amend, repeal, and add Sections 3306, 3354, and 3440 of, and to add Section 3451.5 to, the Business and Professions Code, relating to hearing aid dispensers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1245, as amended, Martinez. Hearing aid dispensers.

(1) Existing law provides procedures for the licensing of hearing aid dispensers by the Hearing Aid Dispensers Examining Committee. Existing law prescribes requirements for the issuance of these licenses. Among other things, an applicant is required to possess a high school diploma or its equivalent as a condition of licensure as a hearing aid dispenser.

This bill would require, instead, that the applicant possess a high school diploma or its equivalent, a baccalaureate degree or an audioprosthologist certification from the American Conference of Audioprosthology, or be a Board Certificated Hearing Instrument Specialist (BC-HIS) or its equivalent. These requirements would become operative January 1, 1999.

(2) Existing law provides that the above-described provisions regulating hearing aid dispensers neither license nor prohibit the testing of hearing. However, existing law provides that these provisions apply when testing is conducted by licensed hearing aid dispensers in connection with the fitting and selling of hearing aids.

This bill would, on January 1, 1999, repeal the above language that provides that the provisions regulating hearing aid dispensers neither license nor prohibit the testing of hearing. The bill would make a conforming change that would become operative on January 1, 1999.

Existing law provides that every permanent hearing aid dispenser license expires one year following the assigned renewal date. Existing law requires, to renew an unexpired license, that a licensee, on or before the date of expiration of the license, apply for renewal on a form provided by the committee, accompanied by the prescribed renewal fee.

This bill would require, in addition, any person who renews his or her permanent hearing aid dispenser license on or after January 1, 1999, as a condition of the renewal of that license, to possess a baccalaureate degree or an audioprosthologist certification from the American Conference of Audioprosthology, or be a Board Certificated Hearing Instrument Specialist (BC-HIS) or its equivalent.

Existing law makes it a misdemeanor to violate the provisions governing the licensing of hearing aid dispensers.

This bill would prohibit a hearing aid dispenser from conducting diagnostic hearing tests when conducting tests in connection with the fitting or selling of hearing aids. Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.



The people of the State of California do enact as follows:

SECTION 1. Section 3306 of the Business and Professions Code is amended to read:

3306. (a) "Practice of fitting or selling hearing aids," as used in this chapter, means those practices used for the purpose of selection and adaptation of hearing aids, including direct observation of the ear, testing of hearing in connection with the fitting and selling of hearing aids as provided in Section 3440, taking of ear mold impressions, fitting or sale of hearing aids, and any necessary postfitting counseling.

The practice of selling hearing aids does not include the act of concluding the transaction by a retail clerk.

When any audiometer or other equipment is used in the practice of fitting or selling hearing aids, it shall be kept properly calibrated and in good working condition, and the calibration of such audiometer or other equipment shall be checked at least annually.

(b) This section shall remain in effect only until January 1, 1999, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 1999, deletes or extends that date.

SEC. 2. Section 3306 is added to the Business and Professions Code, to read:

3306. (a) "Practice of fitting or selling hearing aids," as used in this chapter, means those practices used for the purpose of selection and adaptation of hearing aids, including direct observation of the ear, testing of hearing in connection with the fitting and selling of hearing aids, taking of ear mold impressions, fitting or sale of hearing aids, and any necessary postfitting counseling.

The practice of selling hearing aids does not include the act of concluding the transaction by a retail clerk.

When any audiometer or other equipment is used in the practice of fitting or selling hearing aids, it shall be kept properly calibrated and in good working condition, and the calibration of the audiometer or other equipment shall be checked at least annually.

1 (b) A hearing aid dispenser shall not conduct
2 diagnostic hearing tests when conducting tests in
3 connection with the fitting or selling of hearing aids.

4 (c) This section shall become operative on January 1,
5 1999.

6 SEC. 3. Section 3354 of the Business and Professions
7 Code is amended to read:

8 3354. (a) The committee shall issue a license to all
9 applicants who have satisfied this chapter, who are at least
10 18 years of age, who possess a high school diploma or its
11 equivalent, who have not committed acts or crimes
12 constituting grounds for denial of licensure under Section
13 480, and who have paid the fees provided for in Section
14 3456. No license shall be issued to any person other than
15 an individual.

16 (b) This section shall remain in effect only until
17 January 1, 1999, and as of that date is repealed, unless a
18 later enacted statute, that is enacted before January 1,
19 1999, deletes or extends that date.

20 SEC. 4. Section 3354 is added to the Business and
21 Professions Code, to read:

22 3354. (a) The committee shall issue a license to any
23 applicant who has satisfied this chapter and who meets
24 the following requirements:

25 (1) Is at least 18 years of age.

26 (2) Possesses a high school diploma or its equivalent.

27 (3) Possesses a baccalaureate degree or an
28 audioprosthologist certification from the American
29 Conference of Audioprosthology or is a Board Certified
30 Hearing Instrument Specialist (BC-HIS) or its
31 equivalent.

32 (4) Has not committed acts or crimes constituting
33 grounds for denial of licensure under Section 480.

34 (5) Has paid the fees provided for in Section 3456. No
35 license shall be issued to any person other than an
36 individual.

37 (b) This section shall become operative on January 1,
38 1999.

39 SEC. 5. Section 3440 of the Business and Professions
40 Code is amended to read:

1 3440. (a) This chapter neither licenses nor prohibits
2 the testing of hearing. When tests are conducted by
3 persons licensed under this chapter in connection with
4 the fitting and selling of hearing aids, the provisions of this
5 chapter shall apply.

6 (b) This section shall remain in effect only until
7 January 1, 1999, and as of that date is repealed, unless a
8 later enacted statute, that is enacted before January 1,
9 1999, deletes or extends that date.

10 SEC. 6. Section 3440 is added to the Business and
11 Professions Code, to read:

12 3440. (a) When tests are conducted by persons
13 licensed under this chapter in connection with the fitting
14 and selling of hearing aids, the provisions of this chapter
15 shall apply.

16 (b) This section shall become operative on January 1,
17 1999.

18 SEC. 7. Section 3451.5 is added to the Business and
19 Professions Code, to read:

20 3451.5. On and after January 1, 1999, any person who
21 renews a permanent license pursuant to subdivision (c)
22 of Section 3451 shall as a condition of the renewal of that
23 license have satisfied at least one of the following
24 requirements:

25 (a) Possess a baccalaureate degree.

26 (b) Possess an audioprosthologist certification from
27 the American Conference of Audioprosthology.

28 (c) Be a Board Certified Hearing Instrument
29 Specialist (BC-HIS) or its equivalent.

30 SEC. 8. *No reimbursement is required by this act*
31 *pursuant to Section 6 of Article XIII B of the California*
32 *Constitution because the only costs that may be incurred*
33 *by a local agency or school district will be incurred*
34 *because this act creates a new crime or infraction,*
35 *eliminates a crime or infraction, or changes the penalty*
36 *for a crime or infraction, within the meaning of Section*
37 *17556 of the Government Code, or changes the definition*
38 *of a crime within the meaning of Section 6 of Article*
39 *XIII B of the California Constitution.*

1 *Notwithstanding Section 17580 of the Government*
2 *Code, unless otherwise specified, the provisions of this act*
3 *shall become operative on the same date that the act*
4 *takes effect pursuant to the California Constitution.*

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